

IN RE: PETITION FOR ZONING VARIANCE  
W/S Newcut Road, 641' +/- W of  
Lee Ben Road  
(7216-A Newcut Road)  
11th Election District  
5th Councilmanic District  
Robert J. Dillon, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-25-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit side yard setback of 40 feet in lieu of the required 50 feet for a proposed single family dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protests.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of August, 1988 that the Petition for Zoning Variance to permit side yard setbacks of 40 feet in lieu of the required 50

feet for a proposed single family dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall comply with all requirements as set forth in the Zoning Plans Advisory Committee comments submitted herein and made a part hereof.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

August 1, 1988

Mr. & Mrs. Robert J. Dillon, Jr.  
5909 Plainfield Avenue  
Baltimore, Maryland 21206

RE: PETITION FOR ZONING VARIANCE  
W/S Newcut Road, 641' +/- W of Lee Ben Road  
(7216-A Newcut Road)  
11th Election District; 5th Councilmanic District  
Case No. 89-25-A

Dear Mr. & Mrs. Dillon:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

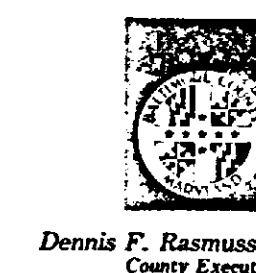
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs  
Enclosure  
cc: People's Counsel

File



Dennis F. Rasmussen  
County Executive

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 To allow side yard setbacks of 40 ft. in lieu of the required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. The Lot is narrow which, according to zoning regulations for the lot makes it difficult to situate a residence of equal size and quality for the community on the lot facing New Cut Road.
2. Building plans were drawn on February 1, 1988 and fees were paid by Petitioner.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Address

City and State

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DINENNA, MANN & BRESCHI  
ATTORNEYS AT LAW  
S. ERIC DINENNA, P.A.  
JAMES L. MANN, JR., P.A.  
GEORGE A. BRESCHI, P.A.  
GERALDINE A. KLAUSER

RECEIVED  
JUN 16 1988

ZONING OFFICE

June 15, 1988

Department of Environmental Protection  
& Resource Management  
County Courts Building  
Towson, Maryland 21204

RE: Special Exception and  
Variance Request  
Item No. 413  
Petitioner - Dillon

Gentlemen:

Please be advised that I represent R. J. Hellman & Sons, Inc. for contract purchases of the property in the above captioned matter, owned by Dolores Dillon.

This is to advise you pursuant to Section 500-148 of the Zoning Regulations of the filing of these requests.

Please keep me advised, as well as the Zoning Commissioner, of your comments pursuant to Section 500 of the Zoning Regulations. For your information, enclosed please find copies of the Petition for Variance, as well as the Special Exception requested and a copy of the Plat that was submitted which said "Requests".

Very truly yours,

151  
S. ERIC DINENNA

SED:cjc  
cc: R. J. Hellman & Sons, Inc.  
Zoning Commissioner of Baltimore County  
Enclosure

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner  
FROM: P. David Fields, Director, Office of Planning and Zoning  
SUBJECT: Zoning Petitions #89-A-A, 89-5-A, 89-14-A, 89-15-A, 89-16-A, 89-17-A, 89-19-A, 89-21-A, 89-23-A, 89-25-A, 89-27-A, 89-28-A, 89-29-A, and 89-34-A

There are no comprehensive planning factors requiring comment on these petitions.

P. David Fields, Director  
Office of Planning and Zoning

PDF/jat  
cc: Shirley Hess, People's Counsel  
J. G. Roswell  
Zoning File

cc: Mr. & Mrs. Robert J. Dillon, Jr.

RECEIVED  
JUN 23 1988

ZONING OFFICE

CPS-008

CERTIFICATE OF PUBLICATION

THE AVENUE NEWS

442 Eastern Blvd.  
Baltimore, Md. 21221

THIS IS TO CERTIFY, that the annexed advertisement of  
PO# 0153 REQ# M15063 TO ADVERTISE PETITION FOR  
ZONING VARIANCE CASE NUMBER 89-25-A W/ NEWCUT RD.  
541 CONSUMERS PETITIONERS ROBERT J. DILLON, JR., ET  
HEARING SCHEDULED MED. JULY 27, 1988 at 2:00 pm  
77 Lines at \$42.35

was inserted in The Avenue News a weekly newspaper  
published in Baltimore County, Maryland once a week for  
successive weeks before the 1st day of July 19 88  
that is to say, the same was inserted in the issues of 6/20/ 19 88

The Avenue Inc.

per publisher

By J. Lange

891.10

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 14, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ooo

MEMBERS

Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. & Mrs. Robert J. Dillon, Jr.  
5909 Plainfield Avenue  
Baltimore, Maryland 21206

RE: Item No. 423 - Case No. 89-25-A  
Petitioner: Robert J. Dillon, Jr., et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Dillon:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

June 7, 1988

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Dennis F. Kasmussen  
County Executive

Re: Property Owner: Dillon, et ux  
Location: W/S Newcut Road, 641' +/- W. of Lee Ben Road  
7216 A Newcut Road  
Item No.: 423

Zoning Agenda: Meeting of 6/7/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The building structures existing or proposed on the site shall comply with applicable requirements of the National Fire Protection Assoc. - a Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 6-3-88  
Planning Group  
Special Inspection Division

Noted and Approved: [Signature]  
Fire Prevention Bureau

/31

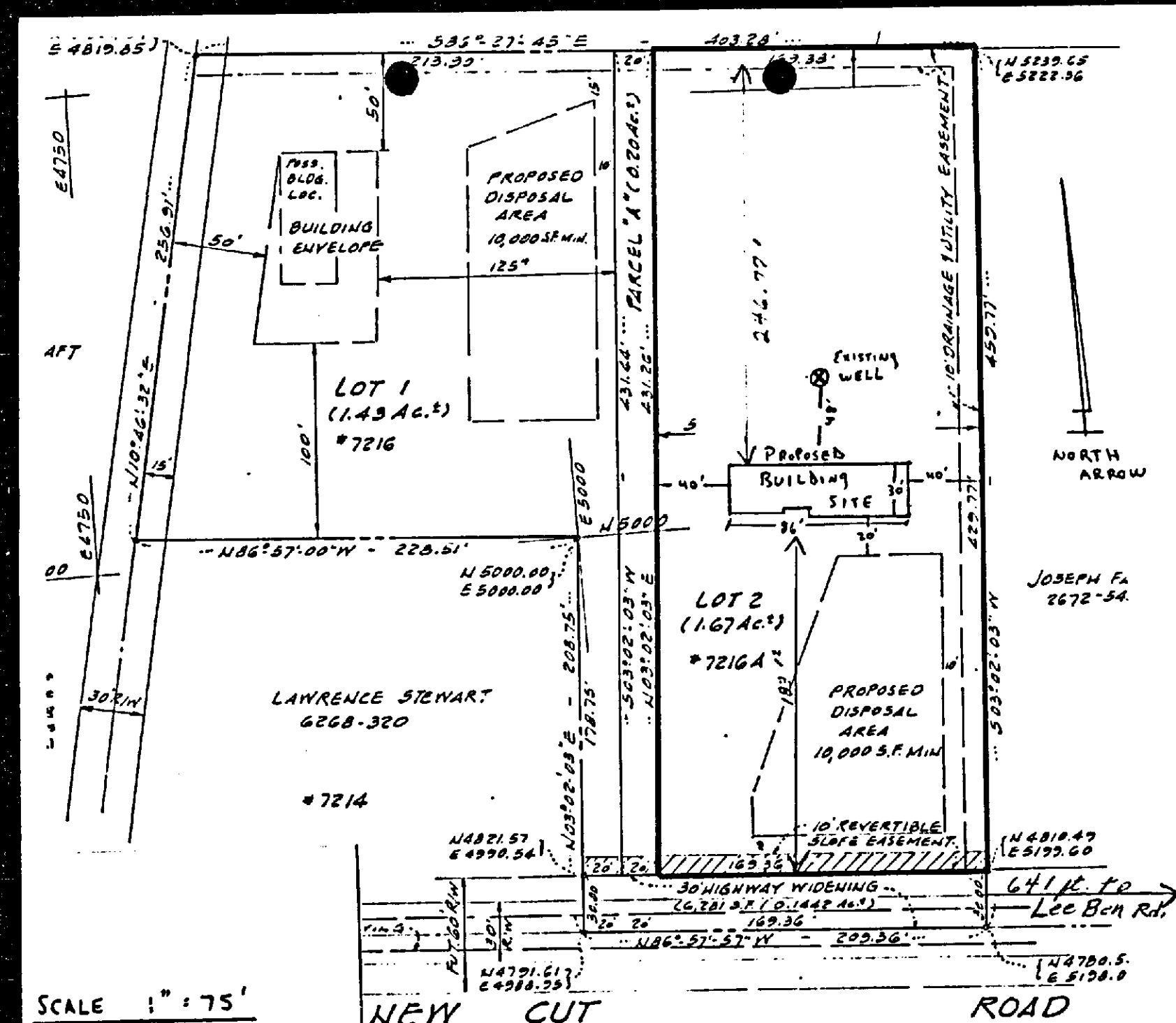
89-25-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
24th day of May, 1988.

J. Robert Haines  
ZONING COMMISSIONER  
Petitioner Robert J. Dillon, Jr., et ux received by: James E. Dyer  
Chairman, Zoning Plans  
Petitioner's Advisory Committee  
Attorney



SCALE 1" = 75'

PLAT FOR ZONING VARIANCE  
OWNER - ROBERT J. & DONNA M. DILLON, JR.  
DISTRICT - 11  
ZONEN - "R-5"  
PROPOSED BUILDING WILL BE USED AS  
A SINGLE FAMILY RESIDENCE.  
SUBDIVISION - EVELYN M. McALLISTER  
LOT 2, 800'x57', FOLIO 72  
TAIGA NEW CUT RD.  
PRIVATE WATER & SEPTIC SYSTEMS  
LOT SIZE 1.67 ACRES #423

LOCATION PLAN  
SCALE  
1" = 900'  
PETITIONER'S  
EXHIBIT

"DUPLICATE"  
CERTIFICATE OF PUBLICATION

TOWSON, MD. June 30, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on June 30, 1988.

THE JEFFERSONIAN,

S. Zetser Olson  
Publisher

33.15



Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

July 5, 1988



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number  
421, 422, 423, 424, 425, 426, 427, 428, 429 and 430.

Very truly yours,

Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED  
JUL 13 1988

ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

6/8/88  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 423, Zoning Advisory Committee Meeting of June 7, 1988

Property Owner: Dillon et ux

Location: WS Newcut Rd, 641' (hor) W of Lee Ben Rd District 11

Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- ( ) Soil percolation tests, have been ☒ must be August 28, 1988 conducted.  
( ) ☒ The results are valid until August 28, 1988. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until November 2, 1990. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- ( ) Others \_\_\_\_\_

BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

May 31, 1988

RECEIVED ZONING OFFICE  
DATE: 6-1-88

Mr. J. Robert Haines  
Zoning Commissioner of Baltimore County  
County Office Building  
Towson, MD. 21204

RE: ZONING VARIANCE PERMIT # 423

Dear Mr. Commissioner,

I recently filed a zoning variance report with the Baltimore County Zoning department. The variance report is to obtain a permit to build a single family residence at a distance 40 feet from the property line in lieu of 50 feet as required by current zoning regulations.

I sincerely request a public hearing on the variance as expeditiously as possible, preferably in June. There are several reasons I am requesting a quick hearing on the matter.

1. I have obtained a building contract with County Construction Company Inc.. The contract price and the start date (June 20) was previously negotiated. A substantial delay will increase the total cost of the project.
2. A major concern is the movement in interest rates. The trend in interest rates over the past three months and the forecast for the remainder of 1988 is for a steady movement upward, therefore, the quicker I can begin construction the lower the rate. For example, if rates increase by one percent (1%) due to a delay in construction, the total cost of financing the residence will increase by \$36,598 over a 30 year period.(1)
3. A third point to consider is the magnitude of the project and the time factor. Building a 3,800 square foot, two story colonial home will require much more time and planning than, for example, erecting a fence or deck. The time factor becomes extremely important since building a home is a seasonal endeavor; The best time to commence building is spring-summer to be completed before winter.
4. My final reason is quite simple, my family and I are anxious to become Baltimore County residents. Currently we reside in a duplex home in Baltimore City. The family is growing and we have a severe need for additional space which will be available when construction of our home is complete.

Page 2  
May 31, 1988

In summary, I ask that you give careful consideration to all of the reasons setforth. My family and I would greatly appreciate your efforts in establishing a zoning hearing date sometime in June.

(1) Assuming \$136,000 financed at 10% moving to 11% over 30 years.

Sincerely,

Robert J. Dillon, Jr.